



Atty. Dkt. No. 083847-0231

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Mirkin et al.  
Title: Fabrication of Solid-State  
Nanostructures Including sub-50  
nm Solid-State Nanostructures  
Based on Nanolithography and  
Chemical Etching  
Appl. No.: 10/725,939  
Filing Date: 12/3/2003  
Examiner: Culbert, Robert P  
Art Unit: 1763  
Confirmation Number: 4466

**RESPONSE TO RESTRICTION REQUIREMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The applicants respond to the restriction requirement set forth in the Office Action mailed July 25, 2006 and petition for a three month extension of time.

The applicants hereby provisionally elect group I representing claims 1-66 with traverse.

With respect to the requirement for election of species, the applicants provisionally elect with traverse:

1) species A (scanning probe tip) from group I; see, for example, claims 4, 19, 24, 39, 44, and 61.

2) species B (non-hollow tip) from group II; see, for example, claims 7, 26, 41.

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3) species A (patterning compound supplied in a continuous manner) from group III; see, for example, claims 8, 28, and 48.

Most of the claims are generic, and the Examiner has already indicated that Claims 1, 21, 41, and 61 are generic. Other generic claims are believed to include, for example, claims 2-3, 10-18, 22-23, 27, 30-38, 42-43, 46, 50-58, 62, and 64-65. If the Examiner would like to review these elections further, he is respectfully requested to contact the undersigned.

The applicants specifically traverse each basis set forth by the PTO to support the restriction and election of species requirement, including pages 2-3 of the office action. The applicants believe all claims can be effectively searched in one application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or any other provision, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741. No extension of time is believed needed.

Respectfully submitted,

Date November 7, 2006

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